

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q78212

Satoshi ARAKAWA

Appln. No.: 10/697,240

Group Art Unit: 2624

Confirmation No.: 9031

Examiner: Jose TORRES

Filed: October 31, 2003

For: **DIAGNOSTIC IMAGE APPARATUS FOR OBTAINING CHARACTERISTIC QUANTITY BASED ON POSITIONAL RELATIONSHIP BETWEEN POSITIONS OF INTEREST IN IMAGES OF OBJECT**

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on September 13, 2007:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was attached with the PTO Communication dated October 3, 2007.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: none
2. Identification of claims discussed: The rejection of claim 1 was discussed.
3. Identification of art discussed: Small et al. "Validation of a 3D optoelectronic motion analysis system for the wrist joint and Wang, U.S. Publication 2002/0076091.
4. Identification of principal proposed amendments: None.

5. Brief Identification of principal arguments: Applicant argued that the combination of Small and Wang fails to provide a *prima facie* case of obviousness with regard to claim 1.

6. Indication of other pertinent matters discussed: None.

7. Results of Interview: Agreement was not reached. The Supervisory Patent Examiner (SPE) involved in the interview was a different SPE than the SPE identified in the Office Action, and apparently is currently handling the examination of the application. The SPE believed that Small should have been issued in an anticipation rejection under 35 U.S.C. § 102(b), as the SPE believes that Small discloses all of the elements of claim 1. However, the SPE did indicate that the Small article and the Wang reference would not be combinable, since Small obtains surface data, while Wang makes a diagnosis based on radiographic images. Thus, the SPE indicated that a new Non-Final Office Action would be issued in the instant application, if Applicant submits the argument that Small and Wang may not be properly combined.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

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It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Dion R. Ferguson/

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Date: December 17, 2007